

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20544

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
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Telephone Number Portability)
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CC Docket No. 95-116

**ELECTRIC LIGHTWAVE, INC.'S RESPONSE TO MCI
OPPOSITION TO PETITION FOR WAIVER OF IMPLEMENTATION DEADLINE
FOR LONG-TERM NUMBER PORTABILITY**

Electric Lightwave, Inc. ("ELI" or "the Company") respectfully submits this reply to the Partial Opposition to Petitions for Waivers filed by MCI Telecommunications Corporation ("MCI") requesting that the Common Carrier Bureau ("CCB") deny ELI's request for waivers of both the implementation deadlines for Phase II of the Long-Term Number Portability ("LNP") deployment schedule in the Western, Southeast and West Coast regions, and the 60-day advance filing requirement for submitting waiver requests of those deadlines.

As stated in the original petition, ELI is fully committed to fulfilling the Commission's requirements for LNP, and has made every effort to ensure that its network is in full compliance with the number portability implementation schedule established by the Commission's rules. However, as was found by the Phase I Waiver Order, the failure of the Number Portability Administration Center/Service Management System ("NPAC/SMS") vendor in the Western, Southeast and West Coast regions to timely provide a stable LNP platform will prevent carriers

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in those regions from offering long-term portability in compliance with the schedule established in the LNP Reconsideration Order.¹

DISCUSSION

A. 60-day Filing Requirement

MCI contends that the basis for ELI's request for a waiver of the 60-day advance filing requirement "cannot be considered special circumstances," and that granting the request would "open the door to meritless waiver requests from parties that only intend to delay number portability."

ELI objects to MCI's insinuations that the Company is taking a cavalier attitude towards the implementation schedule and the Commission's rules generally. After Perot Systems, Inc., the company selected as the LNP Administrator ("LNPA") in the three affected regions, was unable to provide a stable NPAC/SMS during Turn-up Testing, the industry worked furiously to organize and re-schedule the Phase I deadlines to minimize delay. In fact, much of the confusion surrounding the need to file independently for a waiver was due to the industry's scrambling to try to adjust timelines and re-coordinate with the various participants in the process *in order to attempt to meet the original schedules* for the later Phases. However, nobody knew exactly when the new NPAC would be ready for Phase I testing. Therefore, no one, including ELI, could fairly predict a need to delay the Phase II deadlines and justify a request for subsequent waivers. Further, since ELI currently has no operations in the Phase I MSAs, the Company was focusing its resources on adjusting for the delays in the NPAC to try to meet the original deadlines, with

¹ First Memorandum Opinion and Order on Reconsideration, Telephone Number Portability, CC Docket No. 95-116, FCC 97-74, released March 11, 1996 (LNP Reconsideration Order).

the understanding that, *if necessary*, a joint filing for a waiver of Phase II would be made on behalf of all affected carriers.

Contrary to MCI's claims, ELI believes that everything about the situation with the Perot failure constitutes "special circumstances" for those companies in the Western, Southeast and West Coast regions. The unavailability of the NPAC/SMS means that a series of testing schedules is pushed back -- testing between the NPAC and any third-party vendors a company may use to interface with the NPAC/SMS, testing between a company and its third-party vendor, and testing between carriers -- and that new negotiations for new schedules between all of these parties must take place before a new process can be worked out. It is important to remember that the process must be workable as reasonable testing and implementation schedules are critical to ensuring a smooth transition to LNP with a minimum of problems. As stated, ELI was trying to accommodate the original schedule, but given these special scheduling considerations, it ultimately became clear that a delay for Phase II was inevitable and therefore ELI filed its request for a waiver.

MCI also stated in its opposition that the 60-day advance filing requirement was intended to prevent "11th hour waiver requests" and that "waiving the requirement indiscriminately would lead to additional uncertainties ... (and lead to) negative economic consequences to carriers who are proceeding to meet the deadlines, only to learn at the last minute that other carriers have delayed implementation." These statements imply that the rest of the Western, Southeast and West Coast is going about meeting its LNP obligations totally unaffected by the NPAC/SMS delays, which is not only ridiculous, but impossible. As MCI well knows, no implementation will occur anywhere in this region until the NPAC/SMS is live. Therefore each carrier in the region is aware that the others are in a similar situation and that delays are to be expected. Accordingly,

given the date the NPAC/SMS is expected to go live -- just 4 days before the deadline for commercial portability in Phase II -- would make a need for delays in Phase II obvious.

For all the reasons stated, ELI urges the Bureau to consider its request for a waiver of the 60-day advance filing requirement in light of the extreme circumstances and the Company's obvious intent to participate fully and fairly in the entire LNP process and to grant this request.

B. Implementation Deadline

MCI also objected to the revised Phase II deadlines that ELI proposed in its original petition stating that the Company "failed to demonstrate that the schedule (it) proposes is the most expeditious one for implementing LNP." ELI strongly objects to this further accusation by MCI that the Company is not taking its LNP responsibilities seriously. Indeed, ELI is eager to begin local number portability and as such is proceeding with an aggressive plan for its implementation. The July 1 date for completion of inter-company testing is fifty days after the NPAC/SMS is scheduled to go live, but it is a mere 7 days after the date US West Communications ("US West"), the main local exchange company operating in ELI service territories, has proposed to begin inter-company testing for Phase II MSAs. ELI cannot begin porting numbers until inter-company testing with US West has been completed.

Before ELI can begin implementing LNP at all, at least three different types of inter-facility testing must occur. First, of course, the NPAC/SMS must be activated - this date is set for May 11 (4 days before the original Phase II implementation deadline). After the NPAC/SMS is live, ELI's third-party vendor must test with the NPAC/SMS. Once the vendor/NPAC/SMS testing is concluded satisfactorily, ELI must test with its vendor. Upon successful completion of the Company/vendor testing, ELI then must test with US West. Each of these testing sessions is dependent on the activity scheduled before it, and ELI cannot affect the timeliness of other parties' participation nor the number of other parties waiting to test with the NPAC/SMS, the vendor, and

US West. The dates proposed by the Company in the original petition assumed that ELI would be near the top of the lists for testing with both the vendor and US West.

ELI proposed August 1 as the date for commercial portability for its Phase II MSAs. MCI objected to the month-long period between the completion of inter-company testing and commercial portability, or implementation, stating that it believed that the interval needs to be "at most, approximately five days." ELI agrees that it is not absolutely necessary for 31 days to elapse between completion of testing and implementation, if testing is successfully completed by the July 1 date. However, as stated repeatedly in this reply, testing dates are inherently unpredictable because they depend on the cooperation and scheduling needs of other parties. ELI chose a commercial availability date of August 1 in order to allow some flexibility for unavoidable and unforeseeable delays or problems with the testing. It is the implementation date, not the inter-company testing date, that is relevant for purposes of delay. In fact, ELI has selected an implementation date that is two weeks in advance of the implementation date proposed by US West for Phase II. If inter-company testing is completed by July 1, ELI switches would be able to begin commercial portability before August 1.

ELI urges the Bureau to consider further that Phase II is ELI's first opportunity to participate in the LNP process as it has no operations in the Phase I MSAs. The first run of testing is crucial in determining whether or not a company is prepared to port (e.g., whether it can interface with its vendor and other companies in the area) and in working out the bugs inevitably present in such a major and new undertaking. After the first round of testing and porting (which, for ELI, will be Phase II) it need not take as long to test and implement in other MSAs, which is why companies like MCI, who have already successfully participated in the process in other parts of the country, are prepared to move ahead in a shorter period of time. ELI does not intend to take any more time for testing and implementation than is absolutely necessary to preserve the

integrity of its system and the public interest inherent in its ability to achieve long-term number portability for its customers.


As stated above, ELI has completed, or will timely complete, all upgrades and modifications to its own network which are necessary to permit it to provide long-term portability in all of the Phase II MSAs. As soon as an NPAC/SMS becomes available in the Western, Southeast and West Coast regions and inter-company testing is completed, ELI can expeditiously begin meeting all of its LNP obligations.

CONCLUSION

For the reasons stated, ELI requests that the Commission grant ELI's request for both a waiver of the 60-day advance filing requirement for petitions for waiver of the implementation deadline, and of the requirement to implement long-term local number portability in Phase II MSAs in the Western, Southeast and West Coast regions by May 15, 1998.

Respectfully submitted,
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CERTIFICATE OF SERVICE

I, Antoinette M. Thorne hereby certify that on this 27th day of April, 1998 copies of the foregoing *Response to MCI Opposition to Petition for Waiver of Implementation Deadline for Long-Term Number Portability* were served to the parties listed below via hand delivery:

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